THE HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.20638 OF 2006

ORDER: (PER HON'BLE SRI JUSTICE RAMESH RANGANATHAN)

Heard the learned counsel for the petitioner and also learned Government Pleader.

Sri M.V. Rajaram, learned counsel for the petitioner would submit that the petitioner and his wife had met with an accident and had suffered serious injuries. Apprehending that he could be transferred to another place and challenging the Radio Message dated 14.09.2006 of the second respondent, the petitioner approached the Tribunal. Aggrieved by the orders of the Tribunal dated 18.09.2006, admitting O.A.No.5910 of 2006, as illegal and seeking a direction to the 1st and 2nd respondents to retain the petitioner in the same place, the present writ petition is filed.

During the pendency of O.A.No.2241 of 2006 the petitioner was transferred to Hyderabad from Secunderabad. The petitioner filed O.A.No.5910 of 2006 challenging the order of transfer.

Sri M.V.Raja Rao, learned counsel for the petitioner, would refer to Section19(4) of the Administrative Tribunal Act, 1985 and would submit that in view of the subsequent O.A now filed (O.A.No.5910of 2006), the earlier proceedings, wherein the petitioner had sought to be retained at the earlier place, would abate. Since the petitioner, in effect, is aggrieved by the order of Transfer that too from Secunderabad to Hyderabad, we see no reason to interfere. It is however brought to our notice that a representation submitted by the petitioner is pending.

It would meet the ends of justice if the second respondent herein is directed to consider the representation of the petitioner dated 16.04.2006 and pass appropriate orders thereupon in accordance with law. We make it clear that the observations made by us in this order will not come in the way of the competent authority to decide the matter in accordance with law.

The writ petition is accordingly disposed of. No costs.

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B.PRAKASH RAO,J

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RAMESH RANGANATHAN,J

Dated: 29-09-2006.
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